

*Accepted
8/26/04
1:30 pm
KPH*

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

Alvaro MORALES
Petitioner
Pro-Se

vs

United States of America
Respondent

)
)
)
) No. 90-520-CR-KING(s)
)
)
)
)

MOTION AND REQUEST FOR FUNDS
TO PROVIDE EXPERT MEDICAL TESTIMONY

Alvaro MORALES, being now before this Court in seeking absence from prison due to extraordinary medical conditions, moves this Court, as a pauper for reasonable sums of monies to permit expert medical testimony to support his request for relief.

Petitioner avers the below and ongoing information to support this request.

1. In February of 2003, Alvaro was examined by Dr. Nicholas M. MERCADANTE, F.A.C.C., with offices at 50 Memorial Drive, Leominster, Massachusetts.
2. The examination was at the bequest of Dr. BHATTI, a physician on staff at the Federal Medical Center at Ayer, Massachusetts, i.e., Federal Bureau of Prisons (BOP)
3. The examination of Mr. MORALES turned upon a severe existing heart condition, coupled with dilated cardiomyopathy and an SP low anterior resection for carcinoma of the colon.^{3/}
4. The examination demonstrated that: (a) Mr. MORALES is

3/ The carcinoma resulted in radical surgery. It is unknown if Alvaro remains in remission.

not a candidate for aortic valve replacement because of his dilated left ventricular and decreased LVSF; and (b) A continued or current medical regimen, and "with consideration for compassionate release".

5. Pre-examination reports dictated that **Mr. MORALES** retains only 15% heart usage, which is "down" from a higher of 40% in 1997.
6. Currently, **Alvaro** is seeking an updated examination by Dr. MERCADANTE, and will offer the following procedure to the Court.

SUGGESTED PROCEDURE

If the Court would, with no objection from the United States Attorney, permit a video report to be submitted to the Court, in concert with a like report from DR. BHATTI. The requested fees will be minimal. A true copy of the video's could be provided the Court and the United States Attorney prior to the disposition of the proceedings wherein the Court and the United States Attorney could then, if needed, ask questions or clarification of medical discussions.

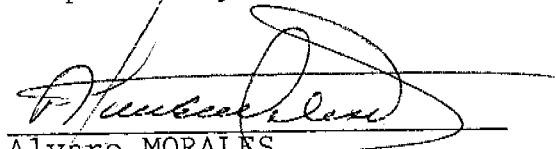
If the Court would approve this economical approach to expert testimony in respect to the "time and distance" involved, your Petitioner would project a cost not to exceed three thousand dollars (\$3,000).

As of May 28, 2004, your Petitioner, by letters to Dr.(s) BHATTI and MERCADANTE, has requested both the updated full examina-

tion and projected costs for their proffered testimony.

WHEREFORE, for all of the foregoing reasons, your Petitioner prays his relief to be granted.

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read 'Alvaro Morales', is written over a horizontal line.

Alvaro MORALES
Reg. #42152-004
FMC Devens
P.O. Box 879
Ayer, MA 01432